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SWIDLER BERLIN LLP 3000 K STREET, NW BOX IP WASHINGTON, DC 20007				ABEL JALIL, NEVEEN
ART UNIT		PAPER NUMBER		
		2165		

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/024,169	YE, HONGZHUAN
	Examiner Neveen Abel-Jalil	Art Unit 2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 27 July 2005.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-4, 6-10 and 12-27 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-4, 6-10, 12 and 14-27 is/are rejected.

7) Claim(s) 13 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.



## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 27-July-2005 has been entered.
  
2. The amendment filed on 27-July-2005 has been received and entered. Claims 5, and 11 have been cancelled. Therefore, claims 1-4, 6-10, and 12-27 are now pending.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-4, 6-10, and 12-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The language of Independent claims 1, 16, and 22 raise a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 USC 101. All of the recited steps of the method of claims 1, 16, and 22 could be done by a person as a mental step or using pencil

and paper. The steps of the method are not implemented on a computer-readable media or preformed by a computer processor.

Claims 2-4, 6-10, 12-15, 17-21, and 23-27 are dependent on independent claims 1, 16, and 22 and therefore carry the same deficiency.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-4, 6-10, 12-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Independent claim 1, lines 13-14, the distinction between the recitation of “a plurality of determined recipients” and “plurality of recipients” are not clear. In claim 1, line 14, the applicant recites “said plurality of recipients” indicating that all previously mentioned “a plurality of determined recipients” in line 13 to be included which is vague and unclear.

Claims 2-4, 6-10, and 12-15 are dependent on Independent claim 1 and therefore carry the same deficiency.

7. Claim 1 recites the limitation "said database" in line 14. There is insufficient antecedent basis for this limitation in the claim. No previous discourse of a database was made in the claim.

Claims 2-4, 6-10, and 12-15 are dependent on Independent claim 1 and therefore carry the same deficiency.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 3, 6-8, 12, and 14 are rejected under 35 U.S.C. 103(a) as being obvious over Ludwig et al. (U.S. Pub. No. 2002/0198798 A1).

As to claim 1, Ludwig et al. discloses

a central file system for storing a plurality of documents, each of said plurality of documents being stored said central file system based at least in part on a respective status of said plurality of documents (See Ludwig et al. page 11, paragraphs 0081-0083, also see Ludwig et al. page 15, paragraph 0097); and

a content indexing module operable to create an index of said plurality of documents stored in said central file system, wherein an index for a document in the index of the plurality of documents is at least a value associated with a predefined ascii pattern in the contents of the document (See Ludwig et al. page 5, paragraph 0036, also see Ludwig et al. page 9, paragraph 0066, also see Ludwig et al. page 12, paragraphs 0086-0088);

a document management module operable to manage the processing and distribution of said plurality of documents stored in said central file system in response to, at least in part, the

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respective status of said plurality of documents (See Ludwig et al. page 11, paragraphs 0081-0083, also see Ludwig et al. page 15, paragraph 0097); and

a document distribution module operable at least one of said plurality of documents to at least one of a plurality of determined recipients based at least in part on a preference of said at least one of said plurality of recipients stored in said database (See Ludwig et al. page 5, paragraph 0038, also see Ludwig et al. page 12, paragraph 0085, and see Ludwig et al. page 14, paragraph 0096).

Ludwig et al. discloses the claimed invention except for the storing a plurality of documents in only one of at least two folders or storing documents in folders. It would have been obvious to one having ordinary skill in the art at the time the invention was made to store a plurality of documents in only one of at least two folders or storing documents in folders since it was known in the art that keeping files in different folders (directories) would allow keeping files (documents) that are associated with one another together and apart from other files that are not related for faster retrieval of relevant information.

As to claim 3, Ludwig et al. as modified discloses database for storing information regarding a plurality of recipients (See Ludwig et al. page 12, paragraph 0087, also see Ludwig et al. page 21, paragraph 0134).

As to claim 6, Ludwig et al. as modified discloses wherein said document distribution module is further operable to recommend to a user a preferred method of distributing said at least one of said plurality of documents to said at least one of said plurality of recipients (See Ludwig et al. page 5, paragraph 0038, also see Ludwig et al. page 12, paragraph 0085, and see Ludwig et

al. page 14, paragraph 0096).

As to claim 7, Ludwig et al. as modified discloses wherein said recommendation is based at least in part on information about said at least one of said plurality of recipients stored in said database (See Ludwig et al. page 11, paragraphs 0081-0083, also see Ludwig et al. page 15, paragraph 0097).

As to claim 8, Ludwig et al. as modified discloses a billing module operable to generate an invoice for at least one of said plurality of documents (See Ludwig et al. page 9, paragraph 0066).

As to claim 12, Ludwig et al. as modified discloses wherein said predefined pattern comprises a plurality of indexing fields, at least one of said plurality of indexing fields having the value associated with it (See Ludwig et al. page 12, paragraph 0088).

As to claim 14, Ludwig et al. as modified discloses wherein said document management module is further operable to search a folder of said at least two folders for documents matching a user specified criteria (See Ludwig et al. page 11, paragraphs 0081-0083, also see Ludwig et al. page 15, paragraph 0097).

10. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al. (U.S. Pub. No. 2002/0198798 A1) in view of Podhradsky (U.S. Patent No. 5,978,755 (“Podhradsky”).

As to claim 9:

The modified invention of Ludwig et al. discloses the claimed invention except for wherein said invoice is generated based at least in part on the number of words in said at least one of said plurality of documents and generating an invoice for said at least one transcribed document.

Podhradsky teaches that it is known to provide for wherein said invoice is generated based at least in part on the number of words in said at least one of said plurality of documents and generating an invoice for said at least one transcribed document.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide for wherein said invoice is generated based at least in part on the number of words in said at least one of said plurality of documents and generating an invoice for said at least one transcribed document as taught by Podhradsky, since Podhradsky states at column 14, lines 50-67 that such a modification would provides information about the number of words in a dictation, can be used, for example when a dictation is transcribed or when a dictation has been completed, to bill for example the author of the dictation, the amount of the bill being based on the number of transcribed words, i.e. the number of words comprised in a dictation.

As to claim 10:

The modified invention of Ludwig et al. discloses the claimed invention except for wherein said invoice is generated based at least in part on the number of lines in said at least one of said plurality of documents. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide for wherein said invoice is generated based at least in part on the number of lines in said at least one of said plurality of documents since it was known in the art that charging for a unit of transcription of a document including words and lines of a text would enable a calculation based on the amount of text that has to be translated.

11. Claims 2, 4, 15-22, and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al. (U.S. Pub. No. 2002/0198798 A1) in view of Lucas et al. (U.S. Pub. No. 2002/0143533 A1).

As to claim 2, Ludwig et al. as modified still does not teach wherein each of a selected plurality of said plurality of documents comprises a transcribed document.

Lucas et al. teaches wherein each of a selected plurality of said plurality of documents comprises a transcribed document (See Lucas et al. page 1, paragraph 0006, also see Lucas et al. page 1, paragraph 0017).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to wherein each of a selected plurality of said plurality of documents comprises a transcribed document since it was known in the art that the transcription can be

digitized and stored as a document including words and lines of a text that would be organized, searched, and routed.

As to claim 4, Ludwig et al. as modified still does not teach wherein at least one of said plurality of recipients is a physician.

Lucas et al. teaches wherein at least one of said plurality of recipients is a physician (See Lucas et al. page 2-3, paragraphs 0023-0024, also see Lucas et al. abstract).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to wherein at least one of said plurality of recipients is a physician since it was known in the art that the recipient or user of a system can be defined to be according to any uses the invention sees fit.

As to claim 15, Ludwig et al. as modified still does not teach wherein at least one of said plurality of documents comprises a transcribed radiology report.

Lucas et al. teaches wherein at least one of said plurality of documents comprises a transcribed radiology report (See Lucas et al. page 2, paragraphs 0023-0024).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to wherein at least one of said plurality of documents comprises a transcribed radiology report since it was known in the art that the transcribed document can be a digitized file of any content data to include radiology reports.

As to claim 16, Ludwig et al. discloses storing a plurality of documents in a folder of a plurality of folders of a central file system (See Ludwig et al. page 11, paragraphs 0081-0083, also see Ludwig et al. page 15, paragraph 0097);

creating a plurality of indexes indexing said plurality of documents, wherein each index in said plurality of indexes is at least a value associated with a predefined ascii pattern comprising at least one indexing field in the contents of the document (See Ludwig et al. page 5, paragraph 0036, also see Ludwig et al. page 9, paragraph 0066, also see Ludwig et al. page 12, paragraphs 0086-0088);

enabling searching of said plurality of documents based on said plurality of indexes (See Ludwig et al. page 11, paragraphs 0081-0083, also see Ludwig et al. page 15, paragraph 0097); and

automatically recommending to a user a preferred method of distributing a document of said plurality of documents to a recipient based at least in part on a preference of said recipient (See Ludwig et al. page 5, paragraph 0038, also see Ludwig et al. page 12, paragraph 0085, and see Ludwig et al. page 14, paragraph 0096).

Ludwig et al. does not teach the plurality of documents to be a plurality of transcribed documents.

Lucas et al. teaches the plurality of documents to be a plurality of transcribed documents (See Lucas et al. page 1, paragraph 0006, also see Lucas et al. page 1, paragraph 0017).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to wherein each of a selected plurality of said plurality of documents comprises a transcribed document since it was known in the art that the transcription can be

digitized and stored as a document including words and lines of a text that would be organized, searched, and routed.

As to claim 17, Ludwig et al. as modified discloses determining the name of said recipient (See Ludwig et al. page 10, paragraph 0071, and see Ludwig et al. page 8, paragraphs 0056-0059, and see Ludwig et al. page 12, paragraph 0085).

As to claim 18, Ludwig et al. as modified still does not teach wherein said recipient is a physician.

Lucas et al. teaches wherein said recipient is a physician (See Lucas et al. page 2-3, paragraphs 0023-0024, also see Lucas et al. abstract).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to wherein at least one of said plurality of recipients is a physician since it was known in the art that the recipient or user of a system can be defined to be according to any uses the invention sees fit.

As to claim 19, Ludwig et al. as modified discloses correlating said name of said recipient with information about said recipient stored in a physician database (See Ludwig et al. page 10, paragraph 0071, and see Ludwig et al. page 8, paragraphs 0056-0059, and see Ludwig et al. page 12, paragraph 0085, also see Lucas et al. page 2-3, paragraphs 0023-0024, also see Lucas et al. abstract).

As to claim 20, Ludwig et al. as modified discloses reading the contents of said transcribed document to find the predefined pattern in said transcribed document (See Lucas et al. page 1, paragraph 0006, also see Lucas et al. page 1, paragraph 0017).

As to claim 21, Ludwig et al. as modified discloses distributing said transcribed document to said recipient in response to receiving information from said user regarding a selected method of distribution (See Ludwig et al. page 12, paragraph 0085, and see Ludwig et al. page 14, paragraph 0096).

As to claim 22, Ludwig et al. discloses storing a plurality of documents in a plurality of folders of a central file system (See Ludwig et al. page 2, paragraph 0024); moving at least one of said plurality of transcribed documents to a folder in said central file system upon receiving approval for said at least one document (See Ludwig et al. page 11, paragraphs 0081-0083, also see Ludwig et al. page 15, paragraph 0097);

creating an index of the documents in at least one of the folders, wherein each index for a document is at least a value associated with a predefined ascii pattern comprising at least one indexing field in the contents of the document (See Ludwig et al. page 5, paragraph 0036, also see Ludwig et al. page 9, paragraph 0066, also see Ludwig et al. page 12, paragraphs 0086-0088);

automatically recommending to a user a preferred method of distributing said at least one document to a recipient based at least in part on a preference of said recipient (See Ludwig et al. page 11, paragraphs 0081-0083, also see Ludwig et al. page 15, paragraph 0097); and

transmitting said at least one document to said recipient in response to receiving information from said user regarding a selected method of distribution (See Ludwig et al. page 5, paragraph 0038, also see Ludwig et al. page 12, paragraph 0085, and see Ludwig et al. page 14, paragraph 0096).

Ludwig et al. discloses the claimed invention except for the storing a plurality of documents in only one of at least two folders or storing documents in folders. It would have been obvious to one having ordinary skill in the art at the time the invention was made to store a plurality of documents in only one of at least two folders or storing documents in folders since it was known in the art that keeping files in different folders (directories) would allow keeping files (documents) that are associated with one another together and apart from other files that are not related for faster retrieval of relevant information.

Ludwig et al. as modified still does not teach the plurality of documents to be a plurality of transcribed documents.

Lucas et al. teaches the plurality of documents to be a plurality of transcribed documents (See Lucas et al. page 1, paragraph 0006, also see Lucas et al. page 1, paragraph 0017).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to wherein each of a selected plurality of said plurality of documents comprises a transcribed document since it was known in the art that the transcription can be digitized and stored as a document including words and lines of a text that would be organized, searched, and routed.

As to claim 26, Ludwig et al. as modified discloses moving said at least one transcribed document to a third folder in said central file system after transmission of said at least one transcribed document to said recipient (See Lucas et al. page 9, paragraph 0063-0065).

As to claim 27, Ludwig et al. as modified still does not teach wherein said recipient is a physician.

Lucas et al. teaches wherein said recipient is a physician (See Lucas et al. page 2-3, paragraphs 0023-0024, also see Lucas et al. abstract).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to wherein said recipient is a physician since it was known in the art that the recipient or user of a system can be defined to be according to any uses the invention sees fit.

12. Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludwig et al. (U.S. Pub. No. 2002/0198798 A1) in view of Lucas et al. (U.S. Pub. No. 2002/0143533 A1), and further in view of Podhradsky (U.S. Patent No. 5,978,755 ("Podhradsky").

As to claims 23-24:

The modified invention of Ludwig et al. discloses the claimed invention except for wherein said invoice is generated based at least in part on the number of words in said at least one of said plurality of documents and generating an invoice for said at least one transcribed document.

Podhradsky teaches that it is known to provide for wherein said invoice is generated based at least in part on the number of words in said at least one of said plurality of documents and generating an invoice for said at least one transcribed document.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide for wherein said invoice is generated based at least in part on the number of words in said at least one of said plurality of documents and generating an invoice for said at least one transcribed document as taught by Podhradsky, since Podhradsky states at column 14, lines 50-67 that such a modification would provides information about the number of words in a dictation, can be used, for example when a dictation is transcribed or when a dictation has been completed, to bill for example the author of the dictation, the amount of the bill being based on the number of transcribed words, i.e. the number of words comprised in a dictation.

As to claim 25:

The modified invention of Ludwig et al. discloses the claimed invention except for wherein said invoice is generated based at least in part on the number of lines in said at least one of said plurality of documents. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide for wherein said invoice is generated based at least in part on the number of lines in said at least one of said plurality of documents since it was known in the art that that charging for a unit of transcription of a document including words and lines of a text would enable a calculation based on the amount of text that has to be translated.

*Allowable Subject Matter*

13. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Response to Arguments*

14. Applicant's arguments with respect to claims 1-4, 6-10, and 12-27 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kolster (U.S. Patent No. 5,920,877) teaches automatically formatted the created transcribed text according to ascii pattern.

Iliff (U.S. Pub. No. 2005/0165285) teaches medical diagnostic and billing system.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil  
October 16, 2005



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